

105TH CONGRESS  
2D SESSION

# H. R. 4021

To provide for the exchange of certain land in the State of Washington.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 9, 1998

Mr. HASTINGS of Washington introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To provide for the exchange of certain land in the State of Washington.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Interstate 90 Land Exchange Act of 1998”.

6 (b) TABLE OF CONTENTS.—The table of contents of  
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings and purposes.
- Sec. 3. Definitions.
- Sec. 4. Land exchange.

Sec. 5. Exchange valuation, appraisals, and equalization.

Sec. 6. Miscellaneous provisions.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds that—

3 (1) certain parcels of private land located in  
4 central and southwest Washington are intermingled  
5 with National Forest System land owned by the  
6 United States and administered by the Secretary of  
7 Agriculture as parts of the Mt. Baker-Snoqualmie  
8 National Forest, Wenatchee National Forest, and  
9 Gifford Pinchot National Forest;

10 (2) the private land is owned by the Plum  
11 Creek Timber Company, L.P. in an intermingled  
12 checkerboard pattern, with the United States or  
13 Plum Creek owning alternate square mile sections of  
14 land or fractions of square mile sections;

15 (3) the checkerboard land ownership pattern in  
16 the area has frustrated sound and efficient land  
17 management on both private land and national for-  
18 est land by complicating fish and wildlife habitat  
19 management, watershed protection, recreation use,  
20 road construction and timber harvest, boundary ad-  
21 ministration, and protection and management of  
22 threatened and endangered species and old growth  
23 forest habitat;

1           (4) acquisition by the United States of certain  
2 parcels of land that have been offered by Plum  
3 Creek for addition to the Mt. Baker-Snoqualmie Na-  
4 tional Forest, Wenatchee National Forest, and Gif-  
5 ford Pinchot National Forest would serve important  
6 public objectives, including—

7           (A) enhancement of public access, aesthet-  
8 ics, and recreation opportunities within or near  
9 areas of very heavy public recreational use, in-  
10 cluding—

11                   (i) the Alpine Lakes Wilderness Area;

12                   (ii) the Pacific Crest Trail;

13                   (iii) Snoqualmie Pass;

14                   (iv) Cle Elum Lake, Kachess Lake,  
15 and Keechulus Lake; and

16                   (v) other popular recreation areas  
17 along the Interstate 90 corridor east of the  
18 Seattle-Tacoma metropolitan area;

19           (B) protection and enhancement of old  
20 growth forests and habitat for threatened, en-  
21 dangered, and sensitive species, including a net  
22 gain of approximately 22,000 acres of critical  
23 habitat for the northern spotted owl;

24           (C) consolidation of national forest hold-  
25 ings for more efficient administration and to

1 meet a broad array of ecosystem protection and  
2 other public land management goals, including  
3 net public gains of approximately 173 miles of  
4 stream ownership, 14 miles of the route of the  
5 Pacific Crest Trail, 12,800 acres of unroaded  
6 land, and 4,000 acres of riparian land; and

7 (D) a significant reduction in administra-  
8 tive costs to the United States through—

9 (i) consolidation of Federal land hold-  
10 ings for more efficient land management  
11 and planning;

12 (ii) elimination of approximately 300  
13 miles of boundary identification and post-  
14 ing;

15 (iii) reduced right-of-way, special use,  
16 and other permit processing and issuance  
17 for roads and other facilities on National  
18 Forest System land; and

19 (iv) other administrative cost savings;

20 (5) Plum Creek has selected certain parcels of  
21 National Forest System land that are logical for  
22 consolidation into Plum Creek ownership via a land  
23 exchange because the parcels—

24 (A) are intermingled with parcels owned by  
25 Plum Creek; and

1 (B)(i) are generally located in less environ-  
2 mentally sensitive areas; and

3 (ii) have lower public recreation and other  
4 public values;  
5 than the Plum Creek offered land;

6 (6) time is of the essence in consummating a  
7 land exchange because delays may force Plum Creek  
8 to road or log the offered land and thereby diminish  
9 the public values for which the offered land is to be  
10 acquired; and

11 (7) it is in the public interest to complete the  
12 land exchange at the earliest practicable date so that  
13 the offered land can be acquired and preserved by  
14 the United States for permanent public manage-  
15 ment, use, and enjoyment.

16 (b) PURPOSE.—The purpose of this Act is to further  
17 the public interest by authorizing, directing, facilitating,  
18 and expediting the consummation of the Interstate 90  
19 land exchange so as to ensure that the offered land is ex-  
20 peditiously acquired for permanent public use and enjoy-  
21 ment.

22 **SEC. 3. DEFINITIONS.**

23 In this Act:

24 (1) OFFERED LAND.—The term “offered land”  
25 means the land described in section 4(b) to be con-

1       veyed into the public ownership of the United States  
2       under this Act.

3           (2) PLUM CREEK.—The term “Plum Creek”  
4       means the Plum Creek Timber Company, L.P., a  
5       Delaware Limited Partnership, or its successors,  
6       heirs, or assigns.

7           (3) SECRETARY.—The term “Secretary” means  
8       the Secretary of Agriculture.

9           (4) SELECTED LAND.—The term “selected  
10      land” means the land described in section 4(c) to be  
11      conveyed into the private ownership of Plum Creek  
12      under this Act.

13   **SEC. 4. LAND EXCHANGE.**

14      (a) CONDITION.—The exchange directed by this sec-  
15      tion shall be consummated if, not later than 180 days  
16      after the date of enactment of this Act, Plum Creek offers  
17      to transfer to the United States the offered land.

18      (b) CONVEYANCE OF OFFERED LAND BY PLUM  
19      CREEK.—In accordance with this Act, Plum Creek shall  
20      convey to the United States by deed acceptable to the Sec-  
21      retary all right, title, and interest of Plum Creek in and  
22      to the following offered land:

23           (1) Certain land comprising approximately  
24      6,460 acres and located within the exterior bound-  
25      aries of the Mt. Baker-Snoqualmie National Forest,

1 Washington, as generally depicted on a map entitled  
2 “Interstate 90 Land Exchange”, dated April 1998.

3 (2) Certain land comprising approximately  
4 53,530 acres and located within or adjacent to the  
5 exterior boundaries of the Wenatchee National For-  
6 est, Washington, as generally depicted on a map en-  
7 titled “Interstate 90 Land Exchange”, dated April  
8 1998.

9 (3) Certain land comprising approximately 400  
10 acres and located within the exterior boundaries of  
11 the Gifford Pinchot National Forest, Washington, as  
12 generally depicted on a map entitled “Interstate 90  
13 Land Exchange”, dated April 1998.

14 (c) CONVEYANCE OF SELECTED LAND BY THE  
15 UNITED STATES.—On receipt of title to the offered land,  
16 the Secretary shall simultaneously convey to Plum Creek  
17 all right, title and interest of the United States, subject  
18 to valid existing rights, in and to the following selected  
19 land:

20 (1) Certain land administered, as of the date of  
21 enactment of this Act, by the Secretary of Agri-  
22 culture as part of the Mt. Baker-Snoqualmie Na-  
23 tional Forest, Washington, and comprising approxi-  
24 mately 12,305 acres, as generally depicted on a map

1 entitled “Interstate 90 Land Exchange”, dated April  
2 1998.

3 (2) Certain land administered, as of the date of  
4 enactment of this Act, by the Secretary of Agri-  
5 culture as part of the Wenatchee National Forest,  
6 Washington, and comprising approximately 14,665  
7 acres, as generally depicted on a map entitled  
8 “Interstate 90 Land Exchange”, dated April 1998.

9 (3) Certain land administered, as of the date of  
10 enactment of this Act, by the Secretary of Agri-  
11 culture as part of the Gifford Pinchot National For-  
12 est, Washington, and comprising approximately  
13 13,520 acres, as generally depicted on a map enti-  
14 tled “Interstate 90 Land Exchange”, dated April  
15 1998.

16 **SEC. 5. EXCHANGE VALUATION, APPRAISALS, AND EQUALI-**  
17 **ZATION.**

18 (a) EQUAL VALUE EXCHANGE.—

19 (1) IN GENERAL.—The values of the offered  
20 land and selected land—

21 (A) shall be equal; or

22 (B) if the values are not equal, shall be  
23 equalized in accordance with subsection (c).

24 (2) APPRAISALS.—The values of the offered  
25 land and selected land shall be determined by ap-

1 praisals using nationally recognized appraisal stand-  
2 ards, including, to the extent appropriate, the Uni-  
3 form Appraisal Standards for Federal Land Acquisi-  
4 tions (1992), the Uniform Standards of Professional  
5 Appraisal Practice, and section 206(d) of the Fed-  
6 eral Land Policy and Management Act of 1976 (43  
7 U.S.C. 1716(d)).

8 (3) APPROVAL BY THE SECRETARY.—The ap-  
9 praisals, if not completed by the date of enactment  
10 of this Act, shall be completed and submitted to the  
11 Secretary for approval not later than 90 days after  
12 the date of enactment of this Act.

13 (4) RESOLUTION OF DISAGREEMENT.—If the  
14 Secretary and Plum Creek are unable to agree on  
15 the appraised value of a parcel of land, the appraisal  
16 or the appraisal issue in dispute shall be resolved in  
17 accordance with section 206(d) of the Federal Land  
18 Policy and Management Act of 1976 (43 U.S.C.  
19 1716(d)).

20 (b) APPRAISAL ASSUMPTION.—

21 (1) FINDINGS.—Congress finds that—

22 (A) many of the parcels of offered land  
23 and selected land are located in areas that have  
24 been or may be designated as critical habitat  
25 for species determined to be threatened or en-

1           dangered under the Endangered Species Act of  
2           1973 (16 U.S.C. 1531 et seq.); and

3           (B) such a designation can make tradi-  
4           tional appraisals of land difficult absent specific  
5           guidance from Congress due to present and fu-  
6           ture uncertainties relating to the duration,  
7           scope, and nature of restrictions that may be  
8           imposed on the offered land or selected land as  
9           a result of such a designation with respect to  
10          future timber harvest and other development  
11          activities.

12          (2) APPRAISAL AT HIGHEST AND BEST USE  
13          VALUE.—In order to ensure the equitable and uni-  
14          form appraisal of both the offered and selected lands  
15          directed for exchange by this Act, all appraisals  
16          under subsection (a) shall determine the highest and  
17          best use of the offered land and selected land in ac-  
18          cordance with applicable provisions of the Washing-  
19          ton State Forest Practices Act, including alternative  
20          measures for protecting critical habitat under Wash-  
21          ington Administrative Code 222-16-080-(7).

22          (c) APPRAISAL PERIOD.—After the final appraised  
23          values of the offered land and selected land or any portion  
24          of the land has been approved by the Secretary or other-  
25          wise determined under section 206(d) of the Federal Land

1 Policy and Management Act (43 U.S.C. 1716(d)), the ap-  
2 praised value shall not be reappraised or updated before  
3 consummation of the land exchange under section 4, ex-  
4 cept for any adjustments in value as may be required  
5 under subsection (d).

6 (d) INTERIM TIMBER HARVEST.—The fair market  
7 value of any timber harvested on the offered land or se-  
8 lected land (as determined by the appraisal required under  
9 subsection (a)) shall be deducted from the final approved  
10 appraised value of the land for purposes of value equali-  
11 zation under subsection (a).

12 (e) EQUALIZATION IF SURPLUS OF OFFERED  
13 LAND.—If the final appraised value of the offered land  
14 exceeds the final appraised value of the selected land, the  
15 Secretary shall make a cash equalization payment to Plum  
16 Creek, subject to the 25 percent limitation under section  
17 206(b) of the Federal Land Policy and Management Act  
18 of 1976 (43 U.S.C. 1716(d)). However, if the Secretary  
19 does not have sufficient funds available to make such a  
20 cash equalization payment, the Secretary and Plum Creek  
21 shall delete offered land from the exchange on the basis  
22 of the appraised value of the various parcels of offered  
23 land in order to ensure that the final appraised value of  
24 the offered land and the final appraised value of the  
25 selected land are approximately equal.

1 (f) EQUALIZATION IF SURPLUS OF SELECTED  
2 LAND.—

3 (1) DELETION.—If the final appraised value of  
4 the selected land exceeds the final appraised value of  
5 the offered land, the Secretary and Plum Creek shall  
6 delete selected land from the exchange on the basis  
7 of the appraised value of the various parcels of se-  
8 lected land in order to ensure that the final ap-  
9 praised value of the offered land and the final ap-  
10 praised value of the selected land are approximately  
11 equal.

12 (2) CASH EQUALIZATION.—At the election of  
13 Plum Creek, Plum Creek may receive conveyance of  
14 all or part of the selected land that would otherwise  
15 be deleted from the exchange under paragraph (1)  
16 if Plum Creek equalizes the exchange values by mak-  
17 ing a cash equalization payment to the United  
18 States. Any cash equalization under this paragraph  
19 shall be subject to the 25 percent limitation of sec-  
20 tion 206(b) under the Federal Land Policy and  
21 Management Act of 1976 (43 U.S.C. 1716(d)).

22 (g) USE OF PROCEEDS BY THE SECRETARY.—In  
23 such amounts as are provided in advance in appropriation  
24 Acts, the Secretary may use cash equalization payments  
25 received by the Secretary under this section for the pur-

1 pose of purchasing land from willing sellers in the State  
2 of Washington for addition to the National Forest System.

3 **SEC. 6. MISCELLANEOUS PROVISIONS.**

4 (a) STATUS OF LAND AFTER EXCHANGE.—

5 (1) LAND ACQUIRED BY THE SECRETARY.—

6 (A) IN GENERAL.—Land acquired by the  
7 Secretary under this Act shall become part of  
8 the Mt. Baker-Snoqualmie Forest, Wenatchee  
9 Forest, or Gifford Pinchot National Forests, as  
10 determined by the Secretary.

11 (B) MODIFICATION OF BOUNDARIES.—If  
12 any land acquired by the Secretary lies outside  
13 the exterior boundaries of the national forests  
14 identified in subparagraph (A), the Secretary  
15 shall modify the boundaries of the appropriate  
16 forest to include the land.

17 (C) MANAGEMENT.—Land acquired by the  
18 Secretary under this Act shall be managed by  
19 the Secretary of Agriculture in accordance with  
20 the laws and regulations pertaining to the Na-  
21 tional Forest System.

22 (D) EFFECT ON COUNTY REVENUES.—The  
23 Secretary shall consult with the appropriate  
24 committees of Congress and local elected offi-  
25 cials in the counties in the State of Washington

1 in which the offered lands are located regarding  
2 options to minimize the adverse affect on coun-  
3 ty revenues of the transfer of the offered lands  
4 from private to Government ownership.

5 (2) LAND ACQUIRED BY PLUM CREEK.—Land  
6 acquired by Plum Creek under this Act shall become  
7 private land for all purposes of law, unless the pat-  
8 ent by which conveyance is made to Plum Creek con-  
9 tains a specific reservation.

10 (b) ACCESS TO LAND ACQUIRED BY PLUM CREEK.—

11 (1) PARCELS TO WHICH EXISTING ACCESS IS  
12 ADEQUATE.—

13 (A) FINDING.—Except with respect to par-  
14 cels of land described in paragraph (2), Con-  
15 gress finds that Plum Creek will have adequate  
16 post-exchange access to the selected land over  
17 existing primary, secondary, or other national  
18 forest routes or over existing Plum Creek roads.

19 (B) ROAD CLOSING.—If the Secretary de-  
20 termines to close any such existing national for-  
21 est road to general public use, the Secretary  
22 shall, if requested by Plum Creek—

23 (i) keep the road open for use by  
24 Plum Creek; or

1                   (ii) if the road is closed, shall, before  
2                   the road is closed, provide Plum Creek  
3                   with an alternative access road that is ac-  
4                   ceptable to Plum Creek.

5                   (2) PARCELS NEEDING ADDITIONAL ACCESS.—

6                   (A) NEED FOR ADDITIONAL ACCESS.—

7                   Congress finds that, with respect to certain par-  
8                   cels of selected land identified by the Secretary  
9                   and Plum Creek, the Secretary shall grant post-  
10                  exchange road access to Plum Creek through  
11                  adjacent or nearby parcels of National Forest  
12                  System land that will remain in Federal owner-  
13                  ship.

14                  (B) EASEMENT.—Simultaneously with the  
15                  conveyance to Plum Creek of the selected land  
16                  sections identified pursuant to subparagraph  
17                  (A), the Secretary shall, without consideration,  
18                  grant Plum Creek a permanent road access  
19                  easement and preapproved road route through  
20                  an adjacent or nearby National Forest System  
21                  land section or sections.

22                  (C) EFFECT ON APPRAISALS.—For pur-  
23                  poses of the appraisals under section 5, the se-  
24                  lected land sections identified pursuant to sub-

1 paragraph (A) shall be appraised as having  
2 available, but unbuilt, road access.

3 (D) CONSTRUCTION STANDARD.—Unless  
4 the Secretary requests otherwise or Plum Creek  
5 uses its adjacent lands for other than commer-  
6 cial timber purposes, roads constructed by  
7 Plum Creek on easements granted under this  
8 subsection—

9 (i) shall be built to a minimum stand-  
10 ard necessary to accommodate ingress and  
11 egress for purposes of commercial timber  
12 harvest on the adjacent Plum Creek lands;  
13 and

14 (ii) shall be closed to public use.

15 (c) ACCESS TO LAND ACQUIRED BY UNITED  
16 STATES.—

17 (1) IN GENERAL.—Simultaneously with the  
18 transfer of the offered land to the United States,  
19 Plum Creek shall grant the United States, without  
20 consideration, such permanent easements as may be  
21 necessary to secure to the United States access for  
22 reasonable public use and enjoyment of the offered  
23 lands acquired by the United States.

24 (2) LOCATION.—Unless the Secretary and Plum  
25 Creek agree otherwise, an easement under this sec-

1       tion shall be located to the extent practicable along  
2       roads that are in existence as of the date of enact-  
3       ment of this Act.

4       (d) TIMING.—It is the intent of Congress that the  
5       land exchange under this Act be consummated not later  
6       than 120 days after the date on which Plum Creek makes  
7       the Secretary an offer to exchange under section 3(a), un-  
8       less the Secretary and Plum Creek agree to extend the  
9       consummation date.

10       (e) WITHDRAWAL OF SELECTED LAND.—

11               (1) IN GENERAL.—Effective until the date de-  
12       scribed in paragraph (2), Congress withdraws from  
13       all forms of entry and appropriation under the pub-  
14       lic land laws (including the mining laws) any parcel  
15       of selected land—

16                       (A) with respect to which such a with-  
17       drawal by the Secretary of the Interior has not  
18       been made before the date of enactment of this  
19       Act; or

20                       (B) with respect to which such a with-  
21       drawal that the Secretary of the Interior has  
22       made expires before the date described in para-  
23       graph (2).

1           (2) DATE DESCRIBED.—With respect to any  
2 parcel of land described in paragraph (1), the date  
3 described in this paragraph is the date on which—

4                   (A) the parcel is deleted from the exchange  
5 under this Act; or

6                   (B) the land exchange under this Act is  
7 consummated.

○